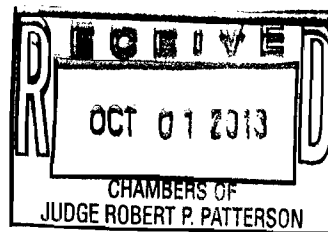


MEMO ENDORSEMENT

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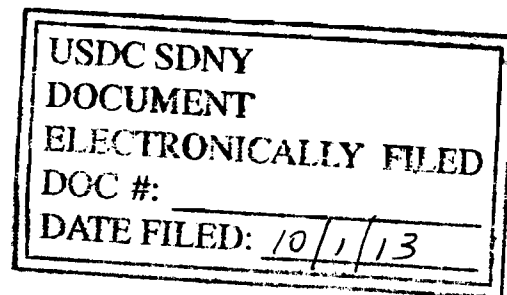
SUZELLE M. SMITH

September 30, 2013

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VIA FACSIMILE
(212) 805-7917

Honorable Robert P. Patterson, Jr.
U.S. District Court for the
Southern District of New York
500 Pearl St., Courtroom 24A
New York, NY 10007-1312



Re: *Jeremy Levin, et al. v. Bank of New York, et al. al., Case No. 09 CV 5900*

Dear Judge Patterson:

I represent the Levin Plaintiffs and Judgment Creditors in the above-referenced action. I received the Court's Memo Endorsement dated September 20, 2013, in which your honor set a hearing date of October 4, 2013 for the Judgment Creditors' Joint Motion for Partial Summary Judgment, filed on September 12, 2013.

I am currently in a jury trial on another matter in Utah which will continue for several weeks. While it is not possible to appear for this hearing in person, I can take a brief break from the trial to appear by telephone at the appointed time of the hearing. I therefore write to respectfully request that the Court allow myself and my associate, Jessica Rankin, to appear telephonically at the October 4, 2013 hearing.

If the Court permits my appearance by phone, please let me know the process by which I can call in and appear.

Very truly yours,

Suzelle M. Smith
Suzelle M. Smith
Counsel for Plaintiffs

SMS:cf

Just give my chambers a call 10/1/13 application granted so reduce to all of Patterson 10/1/13

See attached typewritten
Memo Endorsement

Honorable Robert P. Patterson, Jr.

September 14, 2011

Page 2

cc: Howard Levi, Esq. (by email)
J. Kelley Nevling, Jr., Esq. (by email)
Sharon L. Schnaeier, Esq. (by email)
Mark G. Hanchet Esq. (by email)
Christopher J. Houpt, Esq. (by email)
Curtis Campbell Mechling, Esq. (by email)
James Bernard, Esq. (by email)
Ben Weathers-Lowin, Esq. (by email)
Dale K. Cathell, Esq. (by email)
Richard M. Kremen, Esq. (by email)
Lauren Goetzl, Esq. (by email)
Liviu Vogel, Esq. (by email)

Case: Levin v. Bank of New York, et al.
Index No. 09 Civ. 5900 (RPP)

MEMO ENDORSEMENT S READ:

Just give my Chambers a contact number for 10/4/13.

Application granted.

So Ordered.

Robert P. Patterson, Jr., U.S.D.J., 10/1/13